

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 6:15-MJ-00047
	*	
VERSUS	*	MAGISTRATE JUDGE HANNA
	*	
RORY STEPHEN GUIDRY	*	

**GOVERNMENT'S OPPOSITION TO DEFENDANT'S MOTION
TO RECONSIDER OR REOPEN THE COURT'S DETENTION ORDER**

NOW INTO COURT, come the UNITED STATES of AMERICA, by and through the undersigned Assistant United States Attorney, in opposition to the Defendant's Motion to Reconsider/Reopen (Record Doc. 22), for the reasons set forth below:

1.

On July 20, 2015, after a hearing during which the government and the defendant presented testimony, this Honorable Court ordered the defendant, RORY STEPHEN GUIDRY (hereinafter "GUIDRY" or "defendant"), detained pending trial, pursuant to Title 18, United States Code, Section 3142(e). In its findings, this Court held, "[t]he defendant has admitted to multiple incidents of the crime

charged, and when combined with his mental health, there are no conditions which would assure he would not pose a danger to the community.” (Record Doc. 16).¹

2.

In his motion, the defendant requests the Court reconsider or reopen its previously entered detention order of July 20, 2015. However, because GUIDRY’s motion fails to adequately brief any proposed conditions which would assure he would not pose a danger to the community, his request must fail. Merely stating that there is a change of circumstances and relevant information not available at the first hearing within the movant’s motion is insufficient.² Having provided no basis for his request, the defendant’s motion fails to provide any reason for the judicial officer to reconsider or reopen the July 20, 2015, hearing. As such, the defendant’s motion to reconsider or reopen should be denied.

Respectfully submitted,

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/s/ Myers P. Namie

By:

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¹ The Court additionally stated, “[t]he defendant may present an opinion from a mental health professional, pursuant to 18 U.S.C. 3142(f)(2)(B), which the Court will consider.”

² The detention hearing may be reopened, “[i]f the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(f)(2)(B).

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C E R T I F I C A T E

I hereby certify that on August 7, 2015 a copy of the **Government's Opposition To Defendant's Motion To Reconsider Or Reopen The Court's Detention Order** was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to Mr. J. Kevin Stockstill by operation of the court's electronic filing system.

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